

H.F. 707

Second engrossment

Subject Criminal Sexual Conduct Statutory Reform**Authors** Moller**Analyst** Jeff Diebel**Date** March 23, 2021**Overview**

This bill contains a variety of revisions to the state's criminal sexual conduct (CSC) statutes that are based on the recommendations of the legislatively created Criminal Sexual Conduct Statutory Reform Working Group.

Summary

Section	Description
1	Criminal abuse. Repeals language related to a sex offense against a vulnerable adult by an employee of a care facility that would be covered under the new definition of prohibited occupational relationships (section 8).
2	Force. Modifies the definition of "force" as that term is used in the CSC statutes.
3	Mentally incapacitated. Modifies the definition of "mentally incapacitated" for purposes of the CSC statutes. The current definition posed a significant roadblock to prosecuting cases where complainants were intoxicated through voluntary consumption to the point where they could not give reasoned consent.
4	Sexual contact. Contains conforming changes.
5	Sexual penetration. Contains a conforming change.

Section	Description
6	Coercion. Modifies the definition of “coercion” for purposes of the CSC statutes. Provides for the situation where the complainant may fear infliction of bodily harm by someone other than the actor, such as an accomplice.
7	Significant relationship. Modifies the definition of “significant relationship” for purposes of the CSC statutes so that the definition includes adults who were involved in a significant romantic or sexual relationship with a victim’s parent.
8	Prohibited occupational relationship. Creates a newly defined term—“prohibited occupational relationship”—in the CSC statutes. The new term is intended to incorporate the many separate CSC offenses that are based on the perpetrator’s occupational status.
9	Caregiver. Defines “caregiver” for purposes of the CSC statutes.
10	Facility. Defines “facility” for purposes of the CSC statutes.
11	Vulnerable adult. Defines “vulnerable adult” for purposes of the CSC statutes.
12	Criminal sexual conduct in the first degree. Subd. 1. Adult victims; crime defined. Amends the header and content of subdivision 1 to cover CSC cases where there is an adult victim. Strikes the age-specific offenses and recodifies them in the new subdivision 1a which covers cases with child victims. Subd. 1a. Victim under the age of 18; crime defined. <ul style="list-style-type: none">▪ Creates a new subdivision for offenses against victims under the age of 18.▪ Increases the age threshold for certain CSC 1 child victim offenses from 12 and under to 13 and under.▪ Creates a uniform age difference between the offender and victim of 36 months. Subd. 2. Penalty. Contains a conforming change. Subd. 3. Stay. Contains a conforming change.

Section	Description
13	<p>Criminal sexual conduct in the second degree.</p> <p>Subd. 1. Adult victims; crime defined. Amends the header and content of subdivision 1 to cover CSC cases where there is an adult victim. Strikes the age-specific offenses and recodifies them in the new subdivision 1a which covers cases with child victims.</p> <p>Subd. 1a. Victim under the age of 18; crime defined.</p> <ul style="list-style-type: none">▪ Creates a new subdivision for offenses against victims under the age of 18.▪ Increases the age threshold for certain CSC 2 child victim offenses from 12 and under to 13 and under.▪ Creates a uniform age difference between the offender and victim of 36 months. <p>Subd. 2. Penalty. Contains a conforming change.</p> <p>Subd. 3. Stay. Contains a conforming change.</p>
14	<p>Criminal sexual conduct in the third degree.</p> <p>Subd. 1. Adult victims; crime defined.</p> <ul style="list-style-type: none">▪ Amends the header and content of subdivision 1 to cover CSC cases where there is an adult victim.▪ Strikes the age-specific offenses and recodifies them in the new subdivision 1a which covers cases with child victims.▪ Creates a re-organized offense based on a prohibited occupational relationship. Expands the category of covered occupations to educational positions.▪ Removes “force” as possible grounds to prove certain CSC 3 offenses to avoid the potential of duplicating an offense in CSC 1. <p>Subd. 1a. Victim under the age of 18; crime defined.</p> <ul style="list-style-type: none">▪ Creates a new subdivision for offenses against victims under the age of 18.▪ Increases the age threshold for certain CSC 3 child victim offenses from 12 and under to 13 and under.▪ Creates a uniform age difference between the offender and victim of 36 months.▪ Removes “force” as possible grounds to prove certain CSC 3 offenses to avoid the potential of duplicating an offense in CSC 1.

Section	Description
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- Reduces the age span for which the mistake of age defense is available from 120 months to 60 months between the actor and complainant.

Subd. 2. Penalty. Contains a conforming change.

Subd. 3. Stay. Contains a conforming change.

15	Criminal sexual conduct in the fourth degree.
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Subd. 1. Adult victims; crime defined.

- Amends the header and content of subdivision 1 to cover CSC cases where there is an adult victim.
- Strikes the age-specific offenses and recodifies them in the new subdivision 1a which covers cases with child victims.
- Creates a re-organized offense based on a prohibited occupational relationship. Expands the category of covered occupations to educational positions.
- Removes “force” as possible grounds to prove certain CSC 4 offenses to avoid the potential of duplicating an offense in CSC 2.

Subd. 1a. Victim under the age of 18; crime defined.

- Creates a new subdivision for offenses against victims under the age of 18.
- Increases the age threshold for certain CSC 4 child victim offenses from 12 and under to 13 and under.
- Creates a uniform age difference between the offender and victim of 36 months.
- Removes “force” as possible grounds to prove certain CSC 4 offenses to avoid the potential of duplicating an offense in CSC 2.
- Reduces the age span for which the mistake of age defense is available from 120 months to 60 months between the actor and complainant.

Subd. 2. Penalty. Contains conforming changes.

Subd. 3. Stay. Contains a conforming change.

16	Criminal sexual conduct in the fifth degree.
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Subd. 1. Sexual penetration; crime defined. Creates a new offense of nonconsensual sexual penetration.

Section	Description
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	Subd. 1a. Sexual contact; child present; crime defined. Recodifies existing fifth degree CSC offenses in a new subdivision.
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	Subd. 2. Gross misdemeanor. Retains the gross misdemeanor for first time offenses of the current fifth degree CSC offenses.
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	Subd. 3. Felony. Creates a two-year felony for violation of the subdivision 1 offense of nonconsensual sexual penetration. Increases the felony penalty for aggravated offenses and repeat CSC offenders.
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17	Dangerous sex offenders; life sentences; conditional release.
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	Contains conforming amendments so that a conviction for the proposed offense of sexual extortion (section 18) is subject to an extended sentence and longer periods of conditional release when aggravating factors are involved in the offense.
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18	Sexual extortion.
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	Subd. 1. Crime defined. Creates a new offense of sexual extortion to punish an actor who uses the threat of harm—other than physical harm—to extort unwanted sexual contact with a victim. The offense targets the use of extortion or blackmail to compel a victim into unwanted sexual contact.
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	Subd. 2. Penalty. Establishes penalties that are patterned after the penalties for violations of third and fourth degree CSC.
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	Subd. 3. No attempt charge. Bars a prosecutor from charging an offender with an attempt to commit sexual extortion.
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19	Predatory offender statutory framework working group; report.
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	Establishes a working group to assess the state's predatory offender statutory framework and to make recommendations to the legislature for reforms to the applicable statutes.
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20	Revisor instruction. Directs the revisor to make conforming changes to existing statutes to reflect the statutory changes proposed in this bill.
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21	Repealer.
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	Repeals the offenses of sodomy, fornication, and adultery.
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